

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL RULES



JANUARY 1, 1996

As Amended Through January 1, 2007

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I. SCOPE OF THE RULES

1.1 General Rules

(a) Title and Citation. The local rules shall be known as the "Local Rules of the United States District Court for the District of New Hampshire." They shall be cited as "LR __."

(b) Effective Date. Effective January 1, 1996, as amended January 1, 2007.

(c) Relationship to Prior Rules. The local rules supersede all previous rules promulgated by this court. They shall apply to all new actions and all actions pending at the time they take effect except to the extent that the court determines that application of the local rules would not be feasible or would work injustice in which event the former rules shall govern.

(d) Construction. United States Code, Title 1, Sections 1 to 5, shall govern the construction of the local rules.

(e) Numbering. The numbering of the local rules tracks the numbers of the Federal Rules of Civil Procedure.

(f) Scope. Local Rules 1.1 - 83.14 shall govern the procedure in all civil actions.

(g) Definitions.

"Attorney" or "counsel" includes any party appearing pro se.

"Clerk" or "clerk's office" means the clerk of the United States District Court and deputy clerks unless the context dictates otherwise.

"Court" means the district or magistrate judge to whom a civil or criminal action, proceeding, case, or matter has been assigned.

"Filings" means pleadings, motions, or other documents; "initial filings" means the pleading or other document which initiates an action.

"Judge" means United States District Judge.

"Party" means the attorney as well as the person or entity being represented unless the context dictates otherwise.

(§§ (e), and (f) amended 1/1/97; § (b) amended 1/1/97, 1/1/98, 1/1/99, 1/1/00, 1/1/01, 1/1/02, 1/1/03, 1/1/04, 1/1/05, 6/1/05, 1/1/06, 1/1/07; § (g) definition for Court Information System deleted 1/1/00; §(f) amended 1/1/06)

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83.2 Practice by Persons Not Members of the Bar of This Court

(a) Attorneys for the United States. An attorney who is in good standing as a member of the bar in every jurisdiction in which admitted to practice, who is not subject to pending disciplinary proceedings as a member of the bar in any jurisdiction, and who is a member of the bar of any United States District Court, may appear and practice in this court as an attorney for the United States, or for any agency of the United States, or for an officer of the United States in an official capacity. The court may at any time revoke such permission for good cause without a hearing.

(b) Pro Hac Vice Admissions. Any attorney who is a member in good standing of the bar of any court of the United States or of the highest court of any state may appear and practice before this court in that action at the court's discretion and on motion by a member of the bar of this court who is actively associated with him or her in a particular action. The court may at any time revoke such permission for good cause without a hearing. An attorney so permitted to practice before this court in a particular action shall at all times remain associated in the action with a member of the bar of this court upon whom all process, notices, and other papers shall be served, who shall sign all filings submitted to the court and whose attendance is required at all proceedings, unless excused by the court.

An attorney for the United States who is not eligible for admission under subsection (a) of this rule may apply for admission under this subsection.

(1) Supporting Affidavit. An affidavit from the attorney seeking admission pro hac vice shall be attached to the motion for admission. The affidavit must include:

- (A) the attorney's office address and telephone number;
- (B) a listing of court(s) to which the attorney has been admitted to practice and the date(s) of admission;
- (C) a statement that the attorney is in good standing and eligible to practice in the court(s);
- (D) a statement that the attorney is not currently suspended or disbarred in any jurisdiction; and
- (E) a statement describing the nature and status of any pending disciplinary matters involving the attorney.

(2) Fee for Admission. A motion for admission pro hac vice must be accompanied by a \$100 fee payable to the Clerk, United States District Court. The court will not refund the fee if the motion is denied.

(c) Appearance in Court by Law Students and Graduates. A second or third year student at, or a graduate of, an accredited United States law school may appear before the court on behalf of any indigent person(s) upon referral by an approved legal aid society, federally funded legal services program, or public defender program in the State of New Hampshire, provided that the student's or graduate's conduct of the case is under the general supervision of a member of the bar of this court.

An "approved" legal aid society, legal services program, or public defender program is an established program which operates with the sanction and approval of the Supreme Court of the State of New Hampshire or this court. The expression "general supervision" does not require the attendance in court of the supervising member of the bar.

(d) Other Persons. Persons who are not members of the bar of this court and to whom subsections (a), (b), and (c) are not applicable will be allowed to appear before this court only on their own behalf.

(§ (b)(2) amended 1/1/97; § (b)(2) amended 1/1/03)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Plaintiff(s)

v.

Civil No. *Case #/Judge Initials*

Defendant(s)

DISCOVERY PLAN
Fed. R. Civ. P. 26(f)

DATE/PLACE OF CONFERENCE:

COUNSEL PRESENT/REPRESENTING:

CASE SUMMARY

THEORY OF LIABILITY:

THEORY OF DEFENSE:

DAMAGES:

DEMAND: *due date [need not be filed with the court]*

OFFER: *due date [need not be filed with the court]*

JURISDICTIONAL QUESTIONS:

QUESTIONS OF LAW:

TYPE OF TRIAL: *jury or bench*

DISCOVERY

TRACK ASSIGNMENT:

EXPEDITED--6 MONTHS
STANDARD--12 MONTHS
COMPLEX--24 MONTHS

DISCOVERY NEEDED:

Give brief description of subjects on which discovery will be needed.

MANDATORY DISCLOSURES (Fed. R. Civ. P. 26(a)(1))

Advise the court whether the parties have stipulated to a different method of disclosure than is required by Fed. R. Civ. P. 26(a)(1) or have agreed not to require any Rule 26(a)(1) disclosures.

ELECTRONIC INFORMATION DISCLOSURES (Fed. R. Civ. P. 26(f))

The parties should provide (a) a brief description of their proposals regarding the disclosure or discovery of electronically stored information (and/or attach a proposed order) and/or (b) identify any disputes regarding the same.

STIPULATION REGARDING CLAIMS OF PRIVILEGE/PROTECTION OF TRIAL PREPARATION MATERIALS (Fed. R. Civ. P. 26(f))

The parties should provide a brief description of the provisions of any proposed order governing claims of privilege or of protection as trial preparation material after production (and/or attach a proposed order).

COMPLETION OF DISCOVERY:

(1) Date all discovery complete [APPROXIMATELY 60 DAYS PRIOR TO TRIAL DATE ACCORDING TO TRACK]

(2) If there are issues for early discovery, date for completion of discovery on those issues

INTERROGATORIES:

A maximum of *(number)* [PRESUMPTIVE LIMIT 25] interrogatories by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

REQUESTS FOR ADMISSION:

A maximum of *(number)* requests for admission by each party to any other party. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

DEPOSITIONS:

A maximum of *(number)* [PRESUMPTIVE LIMIT 10] depositions by plaintiff(s) and *(number)* [PRESUMPTIVE LIMIT 10] by defendant(s).

Each deposition (other than of /name\) limited to a maximum of *(number)* [PRESUMPTIVE LIMIT 7] hours unless extended by agreement of the parties.

DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS AND SUPPLEMENTATIONS:

Plaintiff: *due date*

Defendant: *due date*

Supplementations under Rule 26(e) due *time(s) or interval(s)*.

Advise the court whether the parties have stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2).

CHALLENGES TO EXPERT TESTIMONY:

due date: [no later than 45 days prior to trial]

OTHER ITEMS

JOINDER OF ADDITIONAL PARTIES:

Plaintiff: *due date*

Defendant: *due date*

THIRD-PARTY ACTIONS: *due date*

AMENDMENT OF PLEADINGS:

Plaintiff: *due date*

Defendant: *due date*

DISPOSITIVE MOTIONS:

To Dismiss: *due date* [NO LATER THAN 90 DAYS AFTER PRELIMINARY PRETRIAL]

For Summary Judgment: *due date [NO LATER THAN 120 DAYS PRIOR TO TRIAL DATE
ACCORDING TO TRACK]*

SETTLEMENT POSSIBILITIES:

(1) is likely

(2) *is unlikely*

(3) cannot be evaluated prior to (date)

(4) may be enhanced by ADR:

- (a) Request to the court
- (b) Outside source

JOINT STATEMENT RE MEDIATION:

The parties shall indicate a date by which mediation, if any, will occur.

WITNESSES AND EXHIBITS:

[NO DATES NECESSARY; DUE DATES--10 DAYS BEFORE FINAL PRETRIAL CONFERENCE BUT NOT LESS THAN 30 DAYS BEFORE TRIAL FOR LISTS (INCLUDED IN FINAL PRETRIAL STATEMENTS) AND 14 DAYS AFTER SERVICE OF FINAL PRETRIAL STATEMENT FOR OBJECTIONS--SET BY CLERK'S NOTICE OF TRIAL ASSIGNMENT.]

TRIAL ESTIMATE: *number of days*

TRIAL DATE: *The parties shall set out an agreed trial date—adhering to time periods as mandated by the chosen track assignment—using a preset jury selection day as provided on the court’s web site (www.nhd.uscourts.gov). If the parties cannot agree on a date, they shall set out their respective proposed dates.*

PRELIMINARY PRETRIAL CONFERENCE: The parties [request] [do not request] a preliminary pretrial conference with the court before entry of the scheduling order. [NOTE: THE PARTIES SHOULD PLAN TO ATTEND THE PRELIMINARY PRETRIAL CONFERENCE AS SCHEDULED UNLESS OTHERWISE NOTIFIED BY THE COURT.]

OTHER MATTERS: *The parties should list here their positions on any other matters which should be brought to the court's attention including other orders that should be entered under Fed. R. Civ. P. 26(c) or 16(b) and (c).*

(Added 1/1/97; amended 1/1/00, 1/1/01, 1/1/02, 1/1/03, 1/1/04, 1/1/07)